British Colonies vol 6.

A

LETTER

TO THE

RIGHT HONOURABLE

LORD NORTH;

ON THE

EAST-INDIA BILL

NOW DEPENDING IN

PARLIAMENT.

LONDON:

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ADVERTISEMENT.

THAT thoſe attentive to India matters are put to any kind of expence for a peruſal of the following haſty performance, ſuch as it may be thought, has been contrary to the inclination of its Author.

Having determined to ſubmit ſome ſtrictures on the Eaſt-India Bill, now depending in Parliament, to the conſideration of all who may be intereſted therein, the Writer of the following pages carried the part of it firſt written to the Printer of the PUBLIC ADVERTISER; where, after making himſelf known, he left it, if approved, for inſertion in that paper.

About two days after, on a Wedneſday, he ſaw it inſerted, with a notice at the end, that the publication would be continued. Upon which he immediately carried another nearly-equal part, and was then informed, that Friday and Monday would be the other days of publication.

A ſecond and a third part accordingly appeared, each with a notice at the end of its intended continuation. But the fourth part not appearing on the day it ſhould have done, the Writer went to the Printer's to enquire the cauſe thereof; who, immediately on his appearance, had the manuſcript returned to him by a Clerk, with this excuſe; that Mr. WOODFALL had promiſed to ſpare one column of his paper for that purpoſe, but could not ſpare two. Nothing farther paſſed thereon. The inſtant delivery back of his papers, on the Writer's appearance, the cool civility ſhewn in doing it, and the inſufficiency of the excuſe, all ſerved to convince him, that ſome new motive muſt have occa-

ſioned ſo extraordinary a treatment, for the following reaſons:

Firſt, That no mention had ever before been made to him of either one or two columns.

Secondly, That all the three numbers publiſhed, though not exactly of a length, had much exceeded one column, but neither had filled two.

Thirdly, That the manuſcript pages of the fourth part were in number the ſame as the other three which had been printed.

Fourthly, That it had not been unuſual to inſert letters of more than two columns in that paper, even on ſubjects very little intereſting to the public.

Fifthly, That the ſame notice had been ſubjoined to the third part of the letter as to the former two, that the publication would *be continued*.

Sixthly, That to the very fourth number of the manuſcript, ſo returned, the following notice was actually prefixed by the Writer; *To be concluded in* our Friday's paper: and,

Seventhly, That there was nothing inſerted in the Wedneſday's paper, from which it had been ſo unhandſomely excluded, of equal importance, or that was in any material degree deſerving of the attention of its readers.

The Writer will not pretend to conjecture what powerful motives Mr. *Woodfall* could be ſwayed by, after printing three parts of a work, and promiſing the fourth, to refuſe inſerting the other two (eſpecially as he had ſeen, by the Writer's notice to the Public, ſuch was actually to be the extent of it) under ſo frivolous, ungrounded and unwarrantable a pretence. It has, however, made him determine to publiſh the whole at all events, in his own juſtification, and for the ſatisfaction of the public, though at an expence to the reader which he was deſirous of preventing.

A

LETTER

TO THE

Right Hon. Lord NORTH, &c.

My Lord,

WHENEVER meaſures of high importance to this kingdom are under parliamentary conſideration, it is the indiſputable right of the people to expreſs their ſentiments concerning them, either as collective, or corporate bodies, by inſtructions, as conſtituents to their repreſentatives, or by petition to either of the three branches of the Legiſlature; or elſe as individuals, by diſquiſitions or repreſentations from the preſs.

The times, my Lord, are becoming extremely critical from various alarming cauſes; and the attention, not only of this whole nation, but of the world, is awakened to what hath already happened, and may farther be expected. How far I may be encouraged to proceed, the experiment will only ſhew. But at preſent I ſhall exerciſe my right, on behalf

of my country, by pointing out ſome imperfections in the Bill at preſent before the Houſe of Commons "for the better regulation of "the affairs of the Eaſt India Company," &c. and I chooſe to addreſs my remarks to your Lordſhip on account of the reſponſibility of the ſtation which you occupy.

While it is my intention to repreſent boldly, and with ſtrength, I ſhall carefully endeavour to avoid every appearance of cavil or diſingenuity, and therefore my obſervations will not be very numerous.

The tribunal propoſed to be erected in India is a ſupreme Court of Judicature, which is "to have full power and authority to exerciſe "all civil, criminal and eccleſiaſtical juriſdic-"tion by the new charter to be granted and "committed to the ſaid court; and alſo ſhall be "at all times a court of record, in the name of a "court of oyer and terminer, and gaol-delivery, "and ſhall be a court of oyer and terminer, and "gaol delivery, in and for the town of Calcutta, "and factory of Fort William in Bengal, and "other the factories and places ſubordinate, or "hereafter to be ſubordinate thereto." From the deciſions of which court there lies no appeal but to his Majeſty in Council in England.

The juriſdiction, powers and authorities of this Court are to extend to all the Company's ſettlements, factories, ſubordinates and poſſeſſions, now or at any time hereafter to be acquired in the kingdoms or provinces of Bengal, Bahar and Oriſſa; and to all Britiſh ſubjects and Chriſtians who ſhall reſide in the ſaid provinces

provinces under the protection of the Company. And the natives of India may likewiſe apply to the ſaid Court againſt any of his Majeſty's ſubjects in India for any crimes or oppreſſions whatſoever; to proſecute any ſuits or actions, real or perſonal; and alſo for any debt or complaint of native againſt native, though the party ſo purſued ſhould be or have been in the ſervice of the Company.

But on any complaint in writing being exhibited before the Preſident and Council of Fort William againſt the Chief Juſtice, or any or either of the Judges of the ſupreme Court of Judicature, for mal-adminiſtration of juſtice, or any notorious or corrupt breach of duty or truſt, then, after due notice being given to the accuſed party or parties, the Governor and Council are to proceed to a hearing and determination of ſuch complaints, and if unanimous in opinion thereon, they may ſuſpend thoſe convicted, and appoint others to their offices; but the ſuſpended parties have a right to appeal, within a preſcribed time, to his Majeſty in Council. All Chief Juſtices and Judges, and all Preſidents and Counſellors, are likewiſe made amenable to his Majeſty's Court of King's Bench on their return to England, for any breach of duty, or for any miſconduct or miſbehaviour in their offices or employments.

Such are the principal regulations intended for the new ſupreme Court of Judicature in Bengal; on which the few following remarks are ſubmitted to conſideration.

Firſt, It does not appear by the Bill, that this ſupreme Court of Judicature will have ſufficient power and authority to reſtrain the illegal and tyrannous acts of Governors and Councils, from whence all abuſes, oppreſſions and outrages have hitherto originated. The Governor and Council for the time being, in their executive department, or adminiſtration, are no other than the deputies of Directors, who are the ſervants of the Company, who are the deputies of the Sovereign, who is the adminiſtrator of every kind of ſovereign power in all countries that were acquired, or are poſſeſſed by any ſubjects of this realm; they therefore cannot in any thing be above thoſe laws which are executed by his authority, but muſt in all things be ſubject to them; as in executing his truſt they in no degree partake of his ſacred, impeccable, political character, which in its nature is incommunicable; therefore his ſovereign juſtice muſt neceſſarily be ſuperior in its operations to any other kind of power, eſpecially if exerciſed by ſuch as act under the authority of the delegates of his delegates. When conſidered in this light, it muſt appear an abſurdity to give an executive Board of Deputies, in a delegated truſt, a power to ſuſpend any or all of the Judges of a ſupreme Court of Judicature on exhibited complaints of the mal-adminiſtration of juſtice, without giving at the ſame time a power to the ſupreme Court of Judicature to ſuſpend a Governor, and any or all of the Council, on exhibited accuſations of injurious abuſes of

power

power that are tyrannous and oppreſſive; but more eſpecially as it muſt appear reaſonable to ſuppoſe, that the ſtations of the latter may be ably filled anew with greater facility than thoſe of the former. Thus will this Bill, if made a law, ſubject juſtice in India to a power which it ſhould controul, and ſecure that unbounded deſpotiſm to a Governor and Council which they have hitherto ſo much abuſed, though the contrary is pretended to be the great object in view.

Secondly, There does not appear to be any new reſource furniſhed for obtaining juſtice either againſt corrupt or wicked Judges, or oppreſſive Governors and Councils. Proſecutions in the Court of King's Bench, after their arrival in England, can only bring them to puniſhment; and thoſe have hitherto been experienced to prove ineffectual in many caſes of flagrant oppreſſion and injuſtice. Such proceſſes to parties muſt always prove extremely chargeable, and precarious in their iſſue, from the diſtance of places, the length of time, the influence of power in India, and the difficulty of producing proper evidence; none of which evils are propoſed to be removed by the Bill now depending in Parliament, not even by making written proofs, openly given and properly authenticated in India, to have all the force of *viva voce* evidence here, or to compel parties to come over and anſwer to charges exhibited againſt them. Till ſuch and other means for obtaining juſtice in England are furniſhed by law for injuſtice and injuries

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that are ſuffered in India, redreſſes obtainable by law in England will be few and inſignificant. There muſt, therefore, be eſtabliſhed in India a judicial power effectual for the full puniſhment of all kinds of offenders, or juſtice will continue there to be more lame than ſhe ſhould be blind: all power will be groſsly abuſed, and all protection but a mere farce. By the Bill now under conſideration, the ſupreme Court of Judicature is manifeſtly ſubjected to a more ſupreme executive Board, which appears intended to be kept ſeated far above the reach of the laws of England in Bengal.

But, my Lord, it may be aſked who are the perſons that ſhould chiefly act in, or contribute moſt to the bringing of offenders in India to juſtice in Europe, but the Directors of the India Company, who not only act for their conſtituents, but likewiſe in truſt for the State? The Board of Directors, as deputies of the Company, and agents for Government, ought to be the proſecutors in England of all who have been guilty of criminal practice in Bengal. But then ſuch offenders will chiefly be their relations and friends; the very men who had been ſent out to India and there preferred by them, and who durſt only venture to act wickedly from a full reliance on their ſupport, by the ſacrifice of honour, and to the violation of Juſtice. Theſe are concluſions rationally drawn from the courſe of human practice, and which have already been but too frequently illuſtrated by various examples,

amples, as well in the ſcreening of guilt as the indulgence of malice, by rendering juſtice ineffectual both for puniſhment and redreſs.

In proof of the firſt charge I appeal to the various caſes which we have ſeen publiſhed of unwarrantable and illegal oppreſſions and outrages that have been practiſed; to the complainants of which the Directors have hitherto ſhewn no kind of countenance, either by the puniſhment of offenders, or redreſs of the injured; though in both of thoſe meaſures the good of the kingdom, the welfare of the Company, and their own honour, as men acting reſponſibly in a ſtation of high truſt, were all equally concerned. Heavy charges of diſobedience and guilt have even of late been eſtabliſhed at their very Board: yet hitherto no judicial proceedings thereon have been ſeen to take place, in ſupport of their own violated authority, the honour of the Company, or the juſtice of the kingdom.

I ſhall now furniſh your Lordſhip with a ſtriking inſtance, from the proceedings of the very laſt Board of Eaſt India Directors, of the ſtrong averſion thoſe gentlemen are apt unguardedly to diſcover to ſuch innocent, injured men as apply to the juſtice of this kingdom againſt the outrages and oppreſſions which they had been made to ſuffer in Aſia.

In the early part of laſt year, as your Lordſhip cannot but know, his Majeſty in Council was pleaſed, by a ſolemn decree, to reſtore Mr. Bolts to his ſtation of Alderman, or Judge of the Mayor's Court of Calcutta, of which he

he had been illegally deprived by the forcible ſeizure and ſudden tranſportation of his perſon from Bengal to England, to the almoſt entire ruin of his own ample fortune, honourably acquired, and with infinite injury done to the concerns of many others that had been placed in his hands.

During the proceſs in England, which was openly and regularly carried on, the Court of Directors, nor any other party, ever once attempted to vindicate the proceedings in India, or to oppoſe the relief ſought by application to the Throne for Juſtice. His Majeſty therefore, by the advice of his Privy Council, replaced Mr. Bolts in his office, and conſequently reſtored to him the privileges annexed to the ſtation of a ſervant to the Company in India: on which Mr. Bolts applied to the Directors for a paſſage to be ordered for him to Bengal, and was thereon informed, by their Secretary, that a paſſage would be ordered for him on board a ſpecified ſhip; but if he returned thither, he would not there be allowed to carry on any trade.

My Lord, no other than merchants ever yet did or could fill thoſe ſtations, becauſe the annual income of a Judge of the Honourable Mayor's Court is not ſufficient to pay houſe-rent for one month at Calcutta. An office, therefore, for life in the Company's ſervice muſt make the means of exiſting in it a neceſſary appendage; ſo that the right of trading was, in effect, virtually annexed to it, and had ever been practiſed. This inherent right Mr.

Bolts

Bolts did enjoy with that office, after he had quitted their commercial ſervice by reſignation, on account of repeated, partial and unjuſt ſuperceſſions in preferment. He however held his poſt of Alderman, and diſcharged the duties of it with honour: and at the ſame time, like the reſt of his brother Judges, continued to proſecute trade, to the great benefit of that country, the advantage of the Company, and the good of this kingdom; no merchant in that ſettlement acquiring higher credit, or having ſuperior ſucceſs. After mentioning theſe particulars, it may be neceſſary to inform your Lordſhip, that this letter is not written by Mr. Bolts, or by his deſire or procurement, nor has the manuſcript been ſubmitted to his inſpection.

Thus, my Lord, have the late India Directors, or at leaſt the managing part of them, audaciouſly dared to defeat the juſtice of their Sovereign in Council, the ſupreme Court of Appeal from India to this kingdom, by rendering his ſolemn decree from his throne of juſtice for the reſtoration of a Judge to his office, becauſe illegally and unjuſtly deprived of it, ineffectual and impotent; to the diſhonour of the Crown, and with violation of the laws, by rendering ſo ſacred an award of no effect; for a reſtoration to office muſt be fruitleſs, if the means of ſubſiſting in it are iniquitouſly taken away: and for which there could be no pretence grounded, but on ſuch a diſtinction as, in the opinion of every candid man, would diſgrace even a gang of New-

gate ſolicitors: for if he had, from ſpirit and a ſenſe of honour upon ill-uſage, reſigned his commercial ſtation under them, he continued to occupy another of the higheſt truſt and importance; in the diſcharge of which he only could ſubſiſt by the privilege and practice of trade, which ever had been, and is to this hour annexed to it in practice; nay, is what he actually did enjoy to the very moment he was unjuſtly deprived of that office, and to which of courſe he muſt virtually have been reſtored with it by the ſolemn judicial decree of his Majeſty. Ponder, my Lord, on the inſult thus offered to your Sovereign in ſuch a horrid obſtruction to national juſtice, to the violation of every principle of honour; and then calmly conſider if there is not ſomething neceſſary to be done, highly worthy both of legiſlative and executive government, as well for retribution to the injured as puniſhment to the guilty; one apparent great object at preſent to both being to eſtabliſh a permanent ſyſtem of juſtice in thoſe very provinces, or kingdoms, now appertaining to the Britiſh State, where ſuch horrid outrages have been committed on one hand, and ſuch cruel injuries were ſuffered on the other; and for the redreſs of which latter, as now ſhewn, even Royal ſupreme Juſtice in England has here daringly been rendered ineffectual.

My Lord, juſtice can never any where be ſo effectually eſtabliſhed as by the making ſevere examples of ſuch men as, for the ſerving of wicked purpoſes, dare to violate, defeat, or

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obſtruct it. The object of India is become ſo intereſting to the people of this kingdom, that the attention of all men is now awakened to the meaſures in agitation concerning it. At many things of which they have heard or read, they feel high indignation; and they impatiently wait for the application of remedies that may prove efficacious for the prevention in future of ſuch oppreſſions and outrages as have been diſhonourable in government to ſuffer, and diſgraceful to human nature in practice. To the injuries Mr. Bolts has been made unjuſtly to groan under, the public has, perhaps, been beholden for his important informations, ſupported by ſuch authorities as have given them entire credit. The charges he has produced have not yet been anſwered; and, indeed, from their very natures they appear to be unanſwerable. Facts alledged that are falſe muſt be eaſily refutable; nor could there be wanting materials here for that purpoſe, had not his been irrefutable. Thoſe, therefore, who ſay his authorities will be diſproved, only mean thereby to deaden accuſations which they can by no other means evade. This, my Lord, is the language of the uninfluenced and honeſt part of the nation; and therefore not undeſerving even of the higheſt attention. And give me leave to remind your Lordſhip of a truth which you may rely on, that if juſtice for what is paſſed ſhould be wholly neglected, there will little reliance be placed on any meaſures that may be taken for prevention in future.

But to reſume my ſubject, and proceed in my obſervations on the Bill.

Thirdly, It does not appear upon the face of the Bill, that in the intended ſupreme Court of Judicature either civil or criminal matters are to be decided by Juries, as there is no mention made of Juries but in the laſt clauſe or ſection but two; and the whole of that clauſe is as follows.

" And be it further enacted by the authority " aforeſaid, that *any offence or offences com-* " *mitted againſt* THIS ACT, or any of the " clauſes, reſtrictions, and regulations herein " contained, ſhall and may be ſued for and " proſecuted, according to the nature of ſuch " offence or offences, by any perſon or per- " ſons whatſoever, in the ſaid ſupreme Court " of Judicature to be by the ſaid charter " eſtabliſhed; in which no eſſoign, wager of " law, or protection, ſhall be allowed; and " of all fines, by the ſaid " ſupreme Court of Judicature inflicted and " impoſed by the authority of this act, ſhall be " to the uſe of the ſaid United Company, and " thereof to the perſon or " perſons who ſhall proſecute or ſue for the " ſame; *all which ſaid offences ſhall be tried* in " the ſaid Court *by a Jury* of Britiſh ſubjects " reſident at Calcutta, and not otherwiſe."

On the parts of this clauſe that are printed in Italics and capitals, the following are the queries of a lawyer:

Query. Under theſe words what matters are triable by a Jury? And (Query) whether a Jury

Jury can try any thing except what is charged to be an offence againſt this act?

Thus the Bill appears to want explanation. But I have been told by a Proprietor of India Stock, who has connections, I believe, with ſome Directors, that deciſions in the ſupreme Court of Judicature are not intended to be made by Juries. And as the juriſdiction of this Court is to extend throughout the three provinces, and only Calcutta Juries are mentioned in the quoted clauſe, we may rationally conclude, that deciſions in general are to be made by the Judges, without the intervention of Juries.

Hitherto criminal matters have been always decided by Juries, but others by Judges only. And we have lately had ſome ſtrange examples produced of judgments given by the latter in India.

My Lord, experience has ſerved every where to demonſtrate, and particularly under deſpotic governments, that reliance can very rarely be made on the integrity of Judges; who, to promote their own intereſts, will ſo interpret the laws as to make them anſwer any purpoſe; and no government can be more arbitrary than that of Bengal has been, and is likely to continue, for any thing we yet ſee to the contrary.

If your Lordſhip will examine the ſeveral applications heretofore made by India Directors for extending powers in matters of juſtice, and what uſes have been made of them, there would not need the inſtance juſt now produced,

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of the Directors of laſt year even daring to render ineffectual his Majeſty's judicial decree, to convince you that they cannot be ſafely truſted with any influence over juſtice in India, which they certainly will acquire if judicial deciſions are left entirely to Judges.

Fourthly, The propriety, my Lord, of the prohibitory enactions reſpecting future Governors, or Preſidents and Councils, and the Chief Juſtices and Judges of the intended ſupreme Court of Judicature, muſt be too evident to be diſputed. They ought not, nor, as intended, are "to accept, receive, or take of or from "any Indian princes or powers, or any perſon "or perſons under their dominion, power, "or authority, in any manner, or on any ac-"count whatſoever, any preſent, gift, donation, "gratuity or reward, pecuniary or otherwiſe; "nor ſhall carry on, or be concerned in, or "have any dealings or tranſactions by way of "traffic or commerce of any kind whatſoever, "either for his or their uſe, or for the benefit, "profit, or advantage of any other perſon or "perſons whatſoever, or of any foreign Com-"pany in India, or by way of commiſſion for "any foreign Company, (the trade and com-"merce of the ſaid United Company only "excepted); any law, uſage or cuſtom to the "contrary thereof in any wiſe notwithſtand-"ing:" and the oath propoſed to be taken by ſuch parties may be conſidered as a neceſſary and commendable precaution. The penalties, however, to be preſcribed for offences in theſe matters, ſhould be made ſufficiently ſevere; but

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the proviſionary clauſe, which is inſerted in favour of ſuch traders as ſhall hereafter be promoted to ſtations of government, is too vaguely and indeterminately worded for the effectual prevention of colluſive evaſion. It ſhould be enacted, that on every ſuch promotion the party advanced in ſtation ſhall deliver in to the proper officer of the ſupreme Court of Juſtice a liſt, upon oath, of all unconcluded adventures, unſold commodities, and outſtanding debts, which liſt ſhould be regiſtered for the inſpection of all men, in order that no new buſineſs may be engaged in or carried on under the colour of old dependencies, under large penalties to be inflicted on principals, confederates, agents, ſervants, or dependents.

The clauſe for regulating the rate of intereſt for money in India, if framed with due care, may prove to much public advantage; for nothing can be more hurtful than a toleration of the practice of uſury in a country of trade, except the iſſuing of ſpurious money, and forcing its currency in any degree, for that is public robbery by the abuſe of ſupreme power. The infamous inſtance of tyrannical abuſe in the latter way that has been produced from Bengal, and which was made a ſource of continual oppreſſion and rapine to at leaſt ſome of the then governing people there; and in fact, in the firſt inſtance, the coinage was ſuch an abominable piece of roguery, as muſt leave every one concerned in it without the poſſibility of excuſe, becauſe it could only have been the act of the whole governing body; and

beſides

beſides being contrary to the expreſs preſcriptions of the Company's charter, was likewiſe a moſt daring offence againſt the ſtatute laws of this kingdom, it having been directed by repeated acts of parliament, that no coinages ſhould be made in any of the Company's ſettlements in India but according to the ſtandards of the reſpective countries. My Lord, public villainies of this kind muſt be highly deſerving of impeachments or indictments, as well for the due puniſhment of criminals as *in terrorem* to evil-diſpoſed perſons, to intimidate them from engaging in ſuch public robberies hereafter.

It muſt be right to prohibit the receiving of any preſent, gift, donation, or reward, pecuniary or otherwiſe, from Indian powers, miniſters, agents, or natives, by any of the Company's ſervants, civil or military; becauſe, notwithſtanding all that has been ſaid to the contrary, it is well known to be directly againſt the very nature of thoſe people to give any thing conſequential but from compulſion, or for the ſerving of ſome important purpoſe of their own. Every boaſt made therefore of Eaſtern generoſity, from either pure friendſhip or gratitude, has been undeſerving of credit. Such donations could not have been the effects of goodwill, but of menaces, extortions, or excited terrors; extravagant liberality being well-known to be neither a virtue or vice of that country.

It is certainly proper, as propoſed by this Bill, to prohibit the holding of any office, poſt

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or employment, civil or military, under or by the authority of any ſtate or power in the Eaſt-Indies, either European or Indian, by Britiſh ſubjects. But I preſume to queſtion if it is either conſtitutional, juſt or wiſe, to prohibit their going to, or reſiding in ſuch countries, if they are in a ſtate of peace with us, in a merely trading way, though not in their military or marine ſervice, or ſtations of government; and while they do nothing contrary to the intereſts of this kingdom, or repugnant to thoſe of the Company: but in caſe of their doing either of theſe, they ought to be made anſwerable for ſuch guilt to the juſtice of their country. The ſevereſt puniſhments ſhould certainly be inflicted on all Britiſh ſubjects who are aſſiſtant in ſupplying either the native Indians or European foreigners in Aſia with arms or ammunition of any kind, or for even dealing in ſuch commodities without expreſs licence from the Company. But perſons reſigning the Company's ſervice from ill-uſage, or without guilt, or free merchants, free mariners, or any other perſons who go out with the Company's licence to ſettle in India, ſhould have a right to continue there as long as they may find it convenient ſo to do, being made anſwerable to the juſtice, and protected by the laws of their country; nor ought they to be there ſubjected to the arbitrary caprice or baſe malice of Governors and Councils in India, or to the partial views or wanton power of Directors in England, for being ſuddenly ſtopped ſhort in their honeſt purſuits; perhaps from hatred of their merits, or envy of ſuch

abilities, as, without injury to the Company, their adverſaries may find are advancing their particular fortunes with the real intereſts of this kingdom.

When men go from hence to ſettle in India, they naturally relinquiſh all proſpects in Europe, but that of returning to enjoy the fortunes they may acquire; in doing which they act for the intereſt of this country and the Company, as well as of themſelves. And wherever Engliſhmen govern, and Engliſh laws are eſtabliſhed, the juſt and full protection of the latter is the equal right of all againſt every ſpecies of oppreſſion or violence: and ſurely none can be greater than an unmerited arbitrary order to go, on a ſudden, from one extreme part of the globe to the other. My Lord, it can be no other than damnable power, and diabolical juſtice, to tear a man from all his proſpects, perhaps, in a great degree, from all his property, and forcibly to tranſport him, without conviction of a crime. No government that is honeſt will delegate ſuch a power; and no men, but of the worſt kind, would abuſe it in practice. A man that is warranted to go from hence to India, goes thither now to the country of Engliſhmen, and carries with him a right to the full protection of the laws of this kingdom. If his country can prove guilt on him there, or the Company injury, let him be fairly tried for either by a Jury of his peers, and be acquitted or convicted according to law: but let the law otherwiſe protect him from the puniſhment of a felon, and not ſuffer him, in

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a country that is ſubject to his Sovereign, to be treated in ſuch a manner as the Company cannot be authoriſed to treat innocent aliens.

It muſt be equally for the ſecurity and proſperity of thoſe countries, and the advantage alike of the Company and this kingdom, that Britiſh ſubjects ſhould be encouraged to ſettle therein, not only for their defence, but likewiſe for the improvement of their commerce; as no trade can be carried on between them and the other countries of Aſia, but to their infinite benefit. Let, however, the European trade with them be confined to the European Companies, at leaſt for the preſent; but wiſely leave that of Aſia open to whomſoever will engage in it; as the ſure conſequences thereof muſt be the ſtreaming of great wealth into Bengal, of which England may avail herſelf for that moſt neceſſary of all purpoſes, the retrieval of her circumſtances; without which, her very ſecurity, as well as her power, will henceforth be precarious.

Free traders of all countries, if not our national enemies, or our rivals in Europe, ſhould by every good means be encouraged not only to deal with, but alſo ſettle in the provinces of Bengal, Bahar and Oriſſa. They can carry on no trade without adding to the wealth of them; and their reſidence therein for the ſecurity of their own property will naturally contribute much to the increaſe of their ſtrength. All men will act reſolutely where they have property to defend, and intereſts to preſerve; ſuch

being the moſt powerful of all attachments, and the moſt ſtimulative of all incentives.

The articles which the India Company impoſe on their ſervants, or ſuch as go to ſettle in Aſia under their protection, of not availing themſelves of the laws of their country for redreſs for ſuffered violence or oppreſſion, or of being compellable to quit the country by force, after a year's notice had been given them to depart, though for no better aſſigned reaſon, than that it was not convenient for the Company they ſhould continue longer there, muſt in their very natures be illegal, becauſe highly unjuſt. No compact can be lawfully binding in which convenience is not reciprocal; and there muſt be implied in all a tie of indiſpenſable honour in the diſcharge of reſpective duties. No man who has not done a public or private injury ought, or conſtitutionally can be compellable to ſuffer any grievous puniſhment. Let not laws, therefore, be made to ſanction practical tyranny, or to deſtroy the rights of nature, the bulwarks of ſocial ſecurity and the very ends as well as eſſence of all compacts. While the Company had only forts to protect them for proſecuting trade in the countries of foreign princes, in regions very remote from their own country, there might at leaſt have been ſome colourable plea urged, from neceſſity, for ſtretching power a little beyond the conſtitutional line in ſupport of needful authority, and for the ſecurity of hazarded property in the hands of ſervants and dependents. But now, when thoſe diſtant

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territories are annexed to the Britiſh ſtate, an act to eſtabliſh the Engliſh laws in thoſe countries, to be adminiſtered by an Engliſh ſupreme Court of Judicature, ſhould convey thither the moſt ample powers both for legal protection and puniſhment.

Any compacts that are not executable in England, ſhould not be ſuffered to be executed in the Bengal provinces: and I muſt preſume to ſuppoſe that no man can bind himſelf here to ſubmit to an arbitrary tranſportation at the will, or for the convenience of any maſter or patron, if he has done nothing to forfeit the protection of the laws: and ſurely no one by compact ſhould be made tranſportable from India to his prejudice, perhaps his ruin, without at leaſt the deciſion of a Jury, that his continuance there would be greatly hurtful or dangerous; becauſe a contrary practice cannot be Engliſh juſtice, but intolerable oppreſſion, and deteſtable tyranny; ſuch as would juſtify reſiſtance by every poſſible means, even the moſt deſperate that can be imagined, when puſhed to the laſt extremity. Indeed, my Lord, remote provinces muſt be ruled by better principles of policy, or they can never flouriſh, nor will the poſſeſſion of them be ſecure.

Fifthly, It cannot be deemed improper, that any man in the Company's ſervice, who ſhall be found guilty of extortion, breach of public truſt, embezzlement of public money or ſtores; or of defrauding the Company, or carrying on any monopoly, after being duly convicted, and the ſentence of the Court in part inflicted,

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ſhould be ſent over, or tranſported to England, if it be part of his ſentence ſo to ſuffer.

But as in moſt of the others, ſo in the clauſe now under conſideration, (pages 11 and 12 of the printed Bill) there are great exceptions to be made to its contents in their preſent form, ſome of which are as follow:

The clauſe mentions conviction, by the judgment of any Court of Judicature, to be ſufficient for warranting the Preſident and Council to immediately ſend over ſuch convict to England; and moreover, that every ſuch offender ſhall be, and is hereby declared to be ———

Now the words *any Court* muſt imply, that there actually will be more Courts for criminal judicature than one in Calcutta, which will have the power of inflicting ſevere puniſhments on Britiſh ſubjects, or other Europeans, for I muſt ſuppoſe no Aſiatics will be baniſhed to this country: and as we know of no other criminal Court intended to be eſtabliſhed in Bengal, to which Britiſh ſubjects will be amenable for crimes, except that of a Quarter Seſſions, to be held by the Governor and Council, as Juſtices of the Peace; why ſhould not the power of paſſing ſentences of tranſportation from India to England, be expreſsly confined to the ſupreme Court of Judicature alone?

The crimes mentioned in this clauſe are of more than ordinary turpitude: and, as we may ſuppoſe, the puniſhments to be inflicted on ſuch offenders, will be fines and impriſonments in India, or fines and tranſportation to Europe:

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and as in the latter caſe eſpecially it is reaſonable to ſuppoſe, that ſuch culprits will not be the moſt inſignificant of people; it may be remarked, (and ſhould be with reſpect even to beggars) that in all ſuch cauſes the Preſident and Council will be proſecutors, therefore parties, like the Sovereign in England; and by their authority too, as by his Majeſty's here, the ſentence pronounced on them will be carried into execution. Surely, then, the executive power there, any more than here, ought not to be ſuffered likewiſe to be the criminal Judge; becauſe his ſo being would make that heterogeneous junction, or tyrannical monſter, of Party, Judge and Executioner, whether as an individual, or body of men; which cannot be conſtitutional, becauſe deſtructive of juſtice, by the union of ſuch powers as would eſtabliſh a complete tyranny. And ſurely, for perfecting juſtice at ſuch a diſtance from the ſeat of ſupreme Government, it would not be an improper precaution, expreſsly to proportion the degrees of fines to the extents of the frauds committed, or monies illicitly or unlawfully acquired; and more eſpecially when annexed to the puniſhment of baniſhment, or tranſportation from one extreme part of the globe to the other.

In England Magiſtrates hold Quarter Seſſions, and can, and do inflict corporal and other puniſhments; ſuch as light fines, whipping, pillory, impriſonment, and even tranſportation: but then, while the Sovereign, by his deputies, is the proſecutor and executor

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of juſtice, the parties accuſed are always judged by their peers. Such, likewiſe, ſhould invariably be made the practice in India; nor ought any but the moſt perfectly conſtitutional puniſhments to be inflictable by the executive magiſtracy at their Quarter Seſſions in Calcutta. Theſe matters, therefore, are highly neceſſary to be fully explained in the propoſed act; and no opening left for Directors to ſteal into the hands of thoſe whom they may place in the executive truſt in Bengal, any power to be ſuch tyrants and oppreſſors as they have been of late years, by the framing of ſuch charters and laws of juſtice as they hitherto have contrived to obtain. As to the blank left to be filled up at the end of this clauſe, the Directors can only tell in what manner they wiſh it to be done: but if they mean to extend any puniſhment beyond the expreſs letter of the ſentence, or act of tranſportation, farther than of diſqualification for their future ſervice, it moſt probably is ſuch as would be illegal.

Sixthly, Reſpecting the clauſe for prohibiting any releaſement from, or compounding of debts, or penalties for crimes committed, on which judgment has been given in England or India, or for ſtopping proſecutions, ſuits, or actions commenced for any kind of offences, I ſhall only obſerve, that if it does not extend to any kind of proſecutions commenced after the puniſhment of tranſportation had taken place, in conſequence of a trial in India, it may not be improper. But if a perſon ſentenced to pay a fine in India, has not effects there

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to be ſeized for the diſcharge of it, after he had been tranſported to England, he ought not to be made liable to proſecution for it in this country, nor for any thing elſe concerning what he had been convicted of in Aſia. All juſtice purſued in thoſe regions ought to be there effectually and finally compleated; or at leaſt ſo far as to the very act of ſending tranſports away, by which the ſentence will be there executed as far as can be done: even high treaſon, which has not been triable there yet, ought in future ſo to be. But with regard to penalties incurred from ſuits or actions firſt commenced here, there appears to be nothing exceptionable in the clauſe.

Seventhly, The clauſe for authoriſing "the "Preſident and Council of Fort William to "make and iſſue ſuch rules, ordinances, and "regulations for the good order and civil go-"vernment of the ſaid United Company's "ſettlement at Fort William aforeſaid, and "other factories and places ſubordinate, or to "be ſubordinate thereto, as ſhall be deemed "juſt and reaſonable, (ſuch rules, ordinances, "and regulations not being repugnant to the "laws of this realm) and alſo impoſe and levy "all neceſſary and reaſonable impoſts and "duties on commerce and trade, for the ſup-"port of the ſaid United Company's civil "government in Bengal, and to ſet, impoſe, "inflict, and levy fines and forfeitures for the "breach or non-obſervance of ſuch rules, "ordinances, regulations, rates and duties; "but nevertheleſs the ſame, or any of them,

" ſhall not be valid, or of any force or effect,
" until the ſame ſhall be duly regiſtered in the
" ſaid ſupreme Court of Judicature, to be by
" the ſaid charter eſtabliſhed, with the con-
" ſent and approbation of the ſaid Court; and
" from and immediately after the regiſtering
" thereof, as aforeſaid, the ſame ſhall be good
" and valid in law: but nevertheleſs it ſhall
" be lawful for any perſon or perſons to appeal
" therefrom to his Majeſty, his heirs or ſuc-
" ceſſors, in Council in England, ſo as ſuch
" appeal, or notice thereof be lodged in the
" ſaid new Court of Judicature, within the
" ſpace of days after the time of re-
" giſtering ſuch rules, ordinances, regulations,
" rates or duties: yet nevertheleſs, ſuch ap-
" peal ſhall not obſtruct, impede, or hinder
" the immediate execution of any rule, ordi-
" nance, regulation, rate or duty, ſo made
" and regiſtered as aforeſaid, until the ſame
" ſhall appear to have been quaſhed or vacated
" upon the hearing and determination of ſuch
" appeal."

On this compleat junction of legiſlative and executive tyranny, the following obſervations, made in order, are ſubmitted to the conſideration of your Lordſhip and the Public.

Hitherto the India Company, or rather the Court of Proprietors, has been entruſted with powers to make bye-laws, for regulating a trade in which their own property was embarked, and for the good government of the ſervants whom they had in their employ. But by this clauſe it is propoſed to place an arbi-

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trary power, to be exerciſed at will, in the hands of the deputies in India of the Company's deputies, the Directors in London, to make ordinances or laws, and to eſtabliſh fines and forfeitures for the non-obſervance of them; and likewiſe to impoſe and levy ſuch impoſts and duties as *they ſhall think neceſſary and reaſonable*, not only on Britiſh ſubjects in the ſervice, or under the protection of the Company, but likewiſe on commerce and trade: which muſt greatly affect fifteen millions of Indian people, now the ſubjects of his Majeſty, the people of other countries reſident in any of thoſe three provinces, all the countries of Aſia, the factories, and, in effect, the commerce of other European nations, with whom embroils muſt thereby be hazarded; and without any other check than the Judges of the ſupreme Court of Juſtice, who can, if they ſo pleaſe, refuſe to admit their being regiſtered.

Theſe reſpective powers, which are intended to be entruſted with the Executive Preſidential, and the Judiciary Boards, will have a natural tendency to eſtabliſh a common intereſt between thoſe parties which ſhould act as ſtrong checks on each other: and they, by co-operation, may effectually purſue it to all lengths with impunity, unleſs the infliction of puniſhments of every kind, but military, be reſtricted to the ſupreme Court of Judicature alone, and therein to be decided entirely by Juries. Nor can it be expected, with ſuch powers in their hands, but that they will be continually ſeeking occaſions for raiſing money, even by the moſt op-

preſſive means, for the ſake of advantages to be reaped from its expenditure. My Lord, temptations to colluſion ought effectually to be prevented, or they will prove deſtructive of all order and good government, and, in the event, ruinous to thoſe countries, the Company, and this kingdom. The power of laying on new taxes ſhould not even be entruſted with the Company itſelf, and much leſs with its ſubſtitutes, either in Europe or Aſia. The Moguls rarely exerciſed it there in the higheſt plenitude of their power: and all kinds of taxations upon a trade of exports in manufactures will, in their effects, every where prove fatal. They are ſo operating in England now, in conjunction with taxations by landlords, as your Lordſhip, the parliament, and the whole kingdom may readily ſee, by the prices of gold and ſilver bullion, the condition of the coinages, and the ſtate of real money among us: and they will much ſooner ruin India, (where a paper ſubſtitute will never do) if the Company's ſervants are there ſuffered to burthen the people as they pleaſe.

In many kinds of taxation, experience can only ſhew the effects of their operations: for which reaſon, and from conſidering the extents of thoſe provinces, it muſt be contrary to ſound policy, and the reverſe of true juſtice, to limit the rights of appeal to any number of days after the laying on of ſuch impoſts. Whenever taxes may be found indiſpenſibly neceſſary to be raiſed, all projected means for impoſing them ſhould be openly diſcuſſed in India,

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in order that the objections which can be made, may be tranſmitted with them to England, for the conſideration of the Court of Proprietors; which Court alone ſhould have the power of making bye-laws, or eſtabliſhing taxations, under the inſpection and controul of his Majeſty in Council, if not of the Parliament, and with ſuch concurrence only carried into execution. Laws ought not to be firſt executed, or taxes levied in countries ſo remote from the ſeat of ſupreme government, and then conſidered of here; becauſe ſuch evils will be likely from thence to ariſe, as may afterwards be found beyond the reach of any remedies to remove.

Be extremely cautious, my Lord, of throwing unlimited powers into the hands of any kind of adventurers, in countries at ſuch a diſtance, whoſe fixed object muſt be the rapid acquiſition of fortune. And who, in India, will dare to remonſtrate againſt any meaſures of men that can inſtantly effect their ruin by baniſhment from the country, (if the executive and judicial powers act in confederacy, as the authorities propoſed will not only enable, but likewiſe encourage them to do) unleſs protected by efficient laws in ſo doing? The firſt attention of ſuch rulers, your Lordſhip may depend, will be how to make the utmoſt they poſſibly can, if left to the mercy and conſcience of them for ſo doing.

Having finiſhed the obſervations I undertook to make on the Eaſt-India Bill that is depending in parliament, I ſhall now ſubjoin ſome conſiderations

conſiderations on the preſent ſtate of the Bengal provinces, as likewiſe on that of the Company, and of this kingdom; and then conclude with ſome curſory remarks.

The unanſwered public repreſentations which have been made of the various illegal, oppreſſive and tyrannical powers that have been long exerciſed in Bengal, can require no farther confirmation than the very application of the Board of Eaſt-India Directors for a new charter of juſtice, to prevent them in future. Indeed, from the ſeveral allegations, charges, and proofs that have been produced, no rational doubt can be entertained of there having been horrid abuſes and violences practiſed, as well in judicial proceedings, as by executive power in India; to the infinite wrong, not only of fifteen millions of defenceleſs natives, but likewiſe to numbers of traders and ſettlers of the countries of Aſia, and many of his Majeſty's European ſubjects. In ſhort, the preſent ſtate of thoſe provinces is, that of great want of money, from the exhauſting draughts which have been made from them by the Company and their ſervants, and by ill policy, in embarraſſing, and in effect ſhutting up the many channels of Eaſtern trade, which uſed to pour abundance of wealth into thoſe countries; a great depopulation, from the diſcouragement of induſtry by oppreſſion; and a very powerful neighbour, watchful to reap every advantage from the effects of ill policy and bad government; with European rivals, made enemies from diſguſt, as well as by jealouſy, who will be ready to

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aſſiſt in the accompliſhment of our deſtruction on that quarter of the globe.

The Eaſt-India Company, my Lord, were not inſtituted for the governing of extenſive dominions, nor are they qualified for ſo doing. They were incorporated for the ſole purpoſe of proſecuting a ſingle branch of national trade: and whether conſidered in their legiſlative or executive capacity, the degree of their real property in ſtock, their ſituations in the community, or by any ſpecimens we have had of their principles or talents, they may certainly be pronounced unequal to the executing of ſo important a truſt. The known inſtances of their not proſecuting great offenders to juſtice, and of their not granting redreſs to the moſt cruelly injured; but above all, the inſtance produced by myſelf, of their daring even to render ineffectual their Sovereign's judicial decree, made in the ſupreme Court of Appeal from India to this kingdom, for reſtoring a Judge to his office, from which he had been illegally forced even into an unjuſt baniſhment, are, with the actual ſtate of their affairs both in Aſia and Europe, ſuch proofs of their unworthineſs, as well as incapacity, as muſt warrant our pronouncing them unequal to ſo great a charge.

From the extraordinary changes that have happened in their affairs, the proprietary community have been made to ſink into ſubſerviency to their executive ſervants. By the extent of intrigue, the powers of combination, and the immenſely augmented means of gratification,

tification, both in India and in England, Directors, my Lord, have really become enabled to be their own creators to, and likewiſe protectors in the arbitrary government of more people than can be found in the whole Britiſh dominions that are under the immediate adminiſtration of the Crown. They mayal moſt be conſidered as the rivals of the Sovereign and Parliament of this kingdom: and ſhould they continue in the courſe they are now purſuing, with the increaſing aid of imported wealthy relations, dependents, and the means of corruption, they may bid fair in a ſhort time to be the makers of parliamentary majorities, and, by degrees, alſo of parliaments; nay, poſſibly, at laſt, they may aſpire at making Kings in Europe as well as in Aſia; when, by the help of their Hindoſtan policy, they may, in effect, make Leadenhall-ſtreet the ſeat of ſupreme government over all the Britiſh dominions on every quarter of the globe.

It is impoſſible, my Lord, in contemplating on this ſubject, not to recollect the power acquired in Italy, near two thouſand years ago, by the Roman ſpoilers of the Eaſt, that inexhauſtible ſource of riches to conquerors from the remoteſt ages of which we read. And though, in many things, the apprehenſions that have been mentioned may be conſidered as extravagant, yet certainly many evils may be dreaded, either from the miſapplication of Indian wealth, or, in the preſent unproſperous ſtate of our other national trade in general, from the unfortunate loſs of that ſupply in future,

future, by inattention or miſmanagement; for England may be made, in either way, to hazard wonderful difficulties, if not ſudden ruin.

The ſerious part of the people of this kingdom, from obſerving how cauſes operate, are already framing extraordinary opinions on the proſpects of approaching times, as well from the unbounded power of corruption on one hand, as from a viſible extreme promptitude to venality and proſtitution on the other, owing to the taſte and turn of our over-highly poliſhed age. Soon after the revolution, my Lord, the reſpective Directors of two different India Companies, with their own property only, found themſelves able to bribe King, Parliament, and in effect to couſin the whole nation, to grant and admit their acquiring two ſuch charters as in their powers were incompatible with each other, and conſequently in their exiſtence illegal, though warranted by acts of parliament; and from law, as it was at leaſt pretended, they derived effectual ſupport. What then may not the joint efforts of thoſe ſince-united Companies hereafter accompliſh, with the power of plundering fifteen millions of people, added to the enormous profits of excluſive trade? Though partly painted in perſpective, the fore, or near ground of this picture, my Lord, is charged ſufficiently with objects that are well worthy of attention.

This kingdom, with all its poſſeſſions, proſpects and boaſted ſtate of proſperity and happineſs, is unqueſtionably in a dangerous,

an alarming ſituation; of which the following facts are indubitable proofs.

Our trade in exported manufactures, and eſpecially for Europe, has ſo very much decreaſed, and therefrom the balances of trade have ſo greatly turned againſt us, that we are now in apparent want, and likely to be ſoon deſtitute of real money in circulation.

The ſtate of our coinages has become ſuch, from the high rates of gold and ſilver bullion, owing to the decay of our trade of exports, that no ſilver coinages of his preſent Majeſty have been made, at leaſt none have appeared in circulation; nor, if they did, would they continue therein; as great profits can be made by melting them down for ſale as bullion, or for exports to pay debts or dividends on the continent. Gold coinages, as your Lordſhip muſt know, cannot, likewiſe, be made but very greatly to loſs; the coinage price being three pounds ſeventeen ſhillings and ten pence halfpenny an ounce, and the price of bullion at preſent four pounds and one ſhilling. It has been a long time fluctuating between the rates of three pounds nineteen ſhillings, and four pounds one ſhilling and ſix-pence. I dare then to aſk your Lordſhip, the Bank Directors, and both Houſes of Parliament, if they are ſkilled in ſuch matters, if things can poſſibly long continue to go on at this rate; or if they could have gone on to this time, but for the reſources of Bengal? And thoſe have been drained dry by one channel or another; inſo-

much,

much, that both thoſe countries and theſe are now in great danger therefrom. No precautions of Bank Directors or of Government can prevent coin being carried out of the kingdom, while we have balances to pay; and all created difficulties or dangers will only ſerve to increaſe the quantities ſo parted with. There is but one efficient remedy to cure the evil; which is that of taking care to have few balances to pay. This can only be done by lowering the prices of our manufactures, for procuring them ſale at foreign markets. In order to do which, the land-rents of the kingdom muſt be reduced to the ſtandard they were at forty years ago; the farms re-divided, and their plundered rights of commonage reſtored to the people. Ridiculous and impudent are the pleas of improvement, with public robberies, into national want and depopulation.

Sufficient proofs have been given of a great decreaſe in the groſs number of the people: that of vagrant paupers is every where obviouſly augmenting, and pariſh rates have been long growing enormouſly burthenſome. The people are driven by want to deſperation at this very time, equally in England, in Scotland, and in Ireland; and there are now great deſertions from all, but particularly the two latter countries. The act for regulating the prices of grain will have miſchievous effects. Its dam and its wier are a dream and a viſion: and the medium price it is deſigned to eſtabliſh

is an eſtimation of groſs ignorance, with reſpect to the ordinary, or even extraordinary prices of Europe: ſo that, if the maintenance of it is perſiſted in, it will ſoon operate to the deſtruction of every yet-exiſting manufactory of the kingdom for exportation, and probably bury your Lordſhip, with Mr. Arthur Young, for ever under the ruins of your country.

Such, my Lord, is the actual condition at preſent of this kingdom: and I dare your Lordſhip, the Parliament, Bank, Royal Exchange, or the whole nation fairly to undertake the diſproval of it. There are, however, undoubtedly wiſe meaſures to be taken, that would effectually operate for our national redemption; but I fear a want of honeſty will prevent their being adopted or purſued.

But farther, with regard to the India Bill, in every light in which it can be viewed, the appearance will be ſtrong of its being calculated rather for the increaſe than diminution of deſpotiſm in Bengal. Unleſs all deciſions of importance are made by Juries, there will no impartial juſtice be adminiſtered in thoſe countries: nor, without great freedom and full ſecurity in trade, can the Bengal provinces ever again be made ſo flouriſhing as to be able to enrich this kingdom by any other means than the imported fortunes of ſucceſſive ſpoilers, oppreſſors and tyrants.

It will be ill policy to permit the Company to aim at engroſſing the trade of Bengal even with Europe, or to bury the revenues of thoſe

countries in dead ſtock at home; with ſtraining their credit to make burthenſome importations, to the loſs of much intereſt of money, the increaſe of expences, and at the riſk of great injury from goods periſhing in warehouſes. Were the Aſiatic and other commerce more encouraged with thoſe provinces, they would ſoon abound with money; when, inſtead of over-imports of merchandize, the Company might make moderate ones of bullion, for the ſupply of our markets, where it has long been the ſcarceſt commodity known in this kingdom.

It is a prevailing opinion, that government cannot be entruſted with the adminiſtration of thoſe provinces, though the right muſt be the ſame as for thoſe of America. I wave diſcuſſion of the ſubject; and am ſorry that government appears in ſo diſgraceful a light. But with regard to the intereſts of thoſe countries and the Britiſh ſtate, the matter is certainly not mended by leaving it in the hands of Eaſt-India Directors, for their ſway is by corruption: and the corruptions of Leadenhall-ſtreet may, perhaps, eaſily be made auxiliaries to thoſe in higher places. But with regard to the ſubjected Aſiatics, and even the generality of Europeans, ſurely nothing can exceed the frauds, iniquities and tyrannies of their double, let me ſay treble governments.

But if thoſe unhappy countries muſt continue farmed to the Company, with their revenues of many millions, for what may be conſidered

conſidered as a miſerable quit-rent, the preſervation of their poſſeſſion ſhould at leaſt be conſidered as an object of ſuch importance to the ſtate, as to cauſe a watchful eye, on the part of government, to be kept ſteadily fixed on the conduct of thoſe who are deputed to rule them. I muſt, therefore, preſume to think, that it ſhould be deemed needful for his Majeſty to have always a reſident Miniſter at Calcutta, for furniſhing him with regular information of the ſtate and proſpect of affairs in thoſe countries; and likewiſe of the political meaſures of the Governor and Council, with alſo the proceedings of the ſupreme Court of Judicature; in order that proper checks may be timely given to all riſing abuſes, and that the whole machine of government may be ſecured againſt deſtruction from diſorder.

The expence of ſuch a reſident Miniſter in India need not be made materially burthenſome to government. His requiſite qualifications muſt be competent underſtanding, integrity, and a conſiderable knowledge of the intereſts and language of thoſe countries. The poſſeſſing of theſe latter muſt make it neceſſary that he ſhould previouſly have lived in Bengal, either in the ſervice, or under the protection of the Company: and having been in ſuch a ſtation, a moderate ſalary, with the privilege of licit trade with the countries of Aſia, but anſwerable to juſtice for engaging in any other, would be a ſufficient compenſation for the diſcharge of his duty. He ſhould, however,

have

have all the perſonal ſacredneſs and ſecurity of an Ambaſſador; and likewiſe a ſeat and vote in all Councils aſſembled on matters of government and policy, but not in thoſe for mere trade.

Imagine not, my Lord, that I have been propoſing the inſtitution of an office with the leaſt view to occupy it myſelf. I have not addreſſed you in the ſtile of a ſuitor; and, having never been in India, cannot be qualified for the employment. But I think policy, honour and juſtice may direct you at preſent to the choice of a man, of whom the public will perhaps be inclined to think more favourably than of any other.

I am, with great reſpect,

My Lord,

Your Lordſhip's moſt obedient,

humble ſervant,

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